

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-0006-01-CR-W-HFS
)	
ARLANDO C. STATEN)	
)	
Defendant.)	

ORDER

Defendant has filed a motion to suppress which the Magistrate Judge recommends be denied. Doc. 34. Defendant emphasizes some different clothing items from those described by witnesses and contends that the police were unjustifiably prone to investigate all Black males in the general neighborhood with a similar hair style. As shown by the Magistrate Judge, the stop was justified by more than defendant relies on. Eye witness mistakes are common enough to justify police investigations going beyond the items recalled. Evasive conduct by individuals needs not actually relate to the misconduct under investigation, but evasive conduct is a significant suspicious factor justifying a Terry stop.

Having reviewed the record and the briefing I ADOPT the report and recommendation, and DENY the motion to suppress (Doc. 19) for reasons stated in the report.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

February 4, 2015

Kansas City, Missouri